

**IN THE UNITED STATES BANKRUPTCY COURT  
District of Puerto Rico**

**In the Matter of:**

MIGUEL ANGEL MARZAN BONILLA  
MAYRA BELEN DIAZ LAUREANO

Debtor(s)

Case No. **10-06173 ESL**

Chapter 13

**OPPOSITION TO DISMISSAL**

**TO THE HONORABLE COURT:**

The debtor, by means of the undersigned counsel, represents as follows:

1. Banco Bilbao Vizcaya filed a motion to dismiss based on debtor failure to file the operating reports up to December 2010. Debtors operate a gas station.
2. The motion requesting dismissal was filed in January 25, 2011 and Operating Reports were filed on January 20, 2011. Therefore, motion to dismiss on those grounds is moot.
3. Creditor also complains about debtors for failure to propose a confirmable plan. Debtors business operates in an area that is presently greatly affected by this slow economy. They needed help to organize their business and they even replaced their accounting adviser in order to restructure operations. These actions have required effort and time but have resulted beneficial for the business and it is also in the best interest of creditors.
4. An amended plan has been proposed that has not been evaluated by the trustee and the 341 meeting of creditors is still pending for March 3, 2011 and confirmation and until then is not possible to have a final opinion over the plan expressed by the trustee. Therefore, we believe that the motion for dismissal based on a non confirmable plan is premature.
5. Creditor claimed pre-petition arrears in the amount of \$1.257.04. The request for dismissal comparing creditor's arrears and the total business operation amount is frankly out of proportion.
6. We will evaluate the status of the claim as secured because no information has not been provided about the requirements necessary to support it. We have not completed the claim evaluation because the part of the contract describing the % of interest charged, date of maturity and other important information are unreadable, even though that information is required to be disclosed as a matter of law.

**WHEREFORE**, Debtors pray to the Honorable Court to take notice of the informed above and

deny motion to dismiss filed by Banco Bilbao Vizcaya.

**I HEREBY CERTIFY**, that on this same date a true and exact copy of the foregoing has been filed with the clerk of the court using CM/ECF which will notify the trustee and to Creditor's legal representation, Mr. Angel Vazquez Bauza.

**RESPECTFULLY SUBMITTED** in Vega Baja, Puerto Rico, this February 19, 2011.

s/ Juan O. Calderon Lithgow  
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